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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,627	09/25/2003	Alexander G. MacInnis	17452US03	6717

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EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT	PAPER NUMBER
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2628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/670,627

Applicant(s)

MACINNIS ET AL.

Examiner

Motilewa Good-Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/DS's.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claim invention as a whole must accomplish a practical application, that is, it must produce a useful, concrete and tangible result.

Claims that are noted above as being rejected but that are not specifically cited below are rejected based on their dependency on rejected independent claims as incorporating the errors of those claims and not imparting any features leading to statutory subject matter.

Regarding claims 1 and 16, the claimed steps of the method do not recite any post-computer process activity, i.e., no independent physical acts and no manipulation

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of data representing physical objects or activities. Regarding claim 20, the claim recites a video scaler comprising input, a scaler engine and a memory.

Therefore, in order to determine if the process is statutory, one must determine what the computer does to achieve a practical application. A process that merely manipulates an abstract idea is non-statutory despite the fact that it might inherently have some usefulness. For such subject matter to be statutory, the claimed process must be limited to a practical application of the abstract idea. Examiner finds no limitation to a practical application for the claimed method. The preamble of the claim is given little weight in establishing a statutory claim when there are no elements in the claim limitations into which the preamble could give substantial meaning of a practical limitation. Examiner suggests outputting to a display or providing a tangible output device to provide useful, concrete and tangible result.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isani, U.S. Patent Number 5,452,235 in view of Potu et al., U.S. Patent Number 5,812,144.

Regarding claim 7, Isani discloses a video scaler (202) comprising: an input (104) for receiving a video image (104, video capture source, which Examiner interprets as input for video image); a scaler engine (202, video scaler) a memory (102) capable of storing the video image or the first scaled video image (col. 3, lines 3-33)

However it is noted that Isani fails to disclose capable of both downscaling the video image to generate a first scaled video image and upscaling the video image to generate a second scaled video image, the scaler engine using a clock selected between a video input clock and a display output clock; and means for determining whether the video image is to be downscaled or upscaled.

Potu discloses capable of both downscaling the video image to generate a first scaled video image and upscaling the video image to generate a second scaled video image (col. 5, lines 43-56), using a clock selected between a video input clock and a display output clock (col. 5, lines 50-52); and means for determining whether the video image is to be downscaled or upscaled (col. 5, lines 5-7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the video scaler of Isani, having a memory storing a video image and a scaled video image, the upscaled and downscaled image and the clock between the video input and display output, as disclosed by Potu, to provide on-the fly resizing with pixel clock manipulation to display video image in real time.

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Regarding claim 8, Isani discloses further comprising: first means capable of receiving the video image to be scaled from the input (col. 3, lines 1-5), receiving the first scaled video image from the scaler engine, and providing the video image to be scaled or the first scaled video image to the memory (col. 3, lines 3-10); second means capable of receiving the video image to be scaled from the input, receiving the video image to be scaled from the memory, and providing the video image to be scaled or the video image to be scaled to the scaler engine (col. 3, lines 28-68); and third means capable of receiving the first scaled video image from the memory, receiving the second scaled video image from the scaler engine, and outputting either the first scaled video image or the second scaled video image (col. 4, lines 1-23)

However it is noted that Isani fails to disclose capable of both downscaling the video image and upscaling the video image.

Potu discloses capable of both downscaling the video image and upscaling the video image (col. 5, lines 43-56), and means for determining whether the video image is to be downscaled or upscaled (col. 5, lines 5-7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the video scaler of Isani, having a memory storing a video image and a scaled video image, the upscaled and downscaled image as disclosed in Potu, to provide on-the fly resizing with pixel clock manipulation to display video image in real time.

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Regarding claim 9, Potu discloses further comprising fourth means capable of receiving and selecting between a digital video image and a digitized analog video image, and outputs the selected one of the digital video image and the digitized analog video image as the video image (col. 4, lines 63-67)

Regarding claim 10, Potu discloses wherein the scaler engine downscales the video image using the video input clock (col. 6, lines 18-27)

Regarding claim 11, Potu discloses wherein the scaler engine upscales the video image using the display output clock (col. 6, lines 28-60)

Regarding claim 12, Potu discloses further comprising a plurality of line buffers for providing the video image to the input (col. 5, lines 11-19, and col. 6, lines 35-36, pixel sequence in memory for a line)

Regarding claim 13, Potu discloses wherein the scaler engine comprises a horizontal scaler and a vertical scaler (col. 6, lines 10-14)

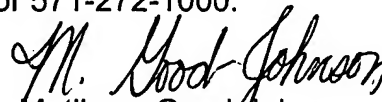
Regarding claim 15, Isani discloses wherein the scaler engine is a single physical device that is logically in both an upscale path and a downscale path of the video image (figures 1 and 2)

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa Good-Johnson whose telephone number is (571) 272-7658. The examiner can normally be reached on Monday, Tuesday and Wednesday 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Motilewa Good-Johnson
Examiner
Art Unit 2628

mgj